



DEPARTMENT OF LAW  
CITY OF CHICAGO

November 20, 2017

**BY CERTIFIED MAIL**

United States Steel Corporation  
Corporate Headquarters  
600 Grant Street  
Pittsburgh, PA 15219

Corporation Services Company  
135 North Pennsylvania Street  
Suite 1610  
Indianapolis, IN 46204

U.S. Steel Corporation — Midwest Plant  
One North Broadway Mail Station 70  
Gary, IN 46402

**RE: Notice of Intent to Sue for Violations of the Clean Water Act**

To Whom It May Concern:

I write on behalf of the City of Chicago ("City") whose crucial interests in Lake Michigan, a vital economic engine for the City, a beloved source of recreation for the City's residents and guests, and the City's aesthetic heart and soul, have been adversely affected by the repeated, unlawful discharges of pollutants emanating from the U.S. Steel Corporation ("U.S. Steel") — Midwest Plant in Portage, Indiana ("Facility"). The Facility discharges its wastewater into the Burns Waterway, a small industrial ditch which empties directly into Lake Michigan.

The discharges of chromium from the Facility that occurred on April 10 and April 11, 2017 are of foremost and continuing concern to the City. On April 18, 2017, the City served a request for public records upon the Indiana Department of Environmental Management ("IDEM") pursuant to the Indiana Public Records Act, requesting information pertinent to these discharges. To date, IDEM has not provided any substantive response to the City's request. (The City's Public Records Act request is attached hereto as Exhibit A.)

IDEM issued National Pollutant Discharge Elimination System ("NPDES") permit No. IN0000337 to the U.S. Steel Corporation — Midwest Plant. The permit establishes effluent limits for wastewater discharges from the facility, provides qualitative standards for the character of discharges, requires regular monitoring of discharges, and establishes maintenance standards for the facility. Any discharges in excess of these limitations or standards constitute violations of Sections 301(a) and 402(2) of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1342(a). Section 505(a) of the Clean Water Act empowers citizens to bring suit to enforce all conditions of a NPDES permit. 33 U.S.C. § 1365(a). The violations referenced in this notice letter include

violations of Permit No. IN0000337, dated January 31, 2011, as well as an updated version of that Permit, which became effective on March 30, 2016.

Based on publicly available discharge monitoring reports and other publicly available information, the City has reason to believe that U.S. Steel has repeatedly violated, and will continue to violate, §§ 301(a) and 402(a) of the federal Clean Water Act and NPDES permit No. 1N0000337. The U.S. Steel Corporation — Midwest Plant has routinely violated the conditions of its permit, in terms of both discharge limits and facility maintenance.

The violations upon which this notice letter is based are set forth in detail in Sections I. and II. (pages 2 through 11) of a Notice of Intent letter prepared and submitted by the University of Chicago Abrams Environmental Law Clinic on behalf of Surfrider, Inc., dated November 13, 2017 (“Surfrider NOI”). A copy of the Surfrider NOI is attached hereto as Exhibit B. The City adopts and incorporates herein by reference, Sections I. and II. of the Surfrider NOI, pages 2 through 11.

Further, utmost among the City’s concerns are the chromium discharge violations reported on page 2 of the Surfrider NOI, which provides in pertinent part:

Most egregiously, on April 10 and 11, 2017, according to IDEM reports, poor facility maintenance allowed for the illegal discharge of approximately 350 pounds of total chromium—over 10 times the daily maximum limit for total chromium—a discharge comprised predominantly of nearly 300 pounds of hexavalent chromium—hundreds of times more than the daily maximum limit for hexavalent chromium. This incident led to closures of public drinking water intakes and public beaches, including the Indiana Dunes National Lakeshore, .... Further, the Midwest Plant has violated its permit limits regarding chromium discharges within the past month. According to an October 31, 2017 letter from U.S. Steel to IDEM, during a 24-hour period extending from October 25 to October 26, 2017, the total chromium loading from Outfall 304 was 56.7 lbs/day, approximately twice the daily maximum limit.

This letter constitutes the City’s notice of intent to file a federal enforcement action under the authority of the Clean Water Act citizen-suit provision, 33 U.S.C. § 1365(a), to secure appropriate relief for these violations.

This notice letter is based on publicly available information. Additional information, including information in U.S. Steel’s possession, may reveal additional violations. This letter addresses publicly identifiable violations occurring within five years immediately preceding the date of this notice letter. The City hereby expressly reserves, and is not waiving, any of its rights and remedies in law or equity.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Siskel", with a large, stylized loop at the end.

EDWARD N. SISKEL  
Corporation Counsel, City of Chicago

cc: Scott Pruitt, Administrator  
U.S. Environmental Protection Agency  
Mail Code 1101A  
1200 Pennsylvania Ave. N.W.  
Washington, D.C. 20460

Bruno L. Pigott, Commissioner  
IDEM Central Office  
Indiana Government Center North  
100 North Senate Avenue  
Indianapolis, IN 46204

Robert Kaplan, Acting Regional Administrator  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

Curtis T. Hill, Indiana Attorney General  
Office of the Indiana Attorney General  
Indiana Government Center South  
302 W. Washington St., 5th Floor  
Indianapolis, IN 46204

With a copy for informational purposes to:

Lisa Madigan, Illinois Attorney General  
Office of the Illinois Attorney General  
100 W. Randolph St.  
Chicago, IL 60601





## REQUEST FOR PUBLIC RECORD

State Form 55542 (R / 2-17)

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Date (month, day, year) April 18, 2017		IDEM Program Area (Check all that apply, if known.) <input type="checkbox"/> Air <input type="checkbox"/> Land <input type="checkbox"/> Program services <input checked="" type="checkbox"/> Water	
Requester Name Mort Ames			
Requester Firm/Organization (if applicable) City of Chicago Department of Law (Aviation, Environmental, Regulatory and Contracts Division)			
Requester Address (number and street) 30 N. LaSalle Street, Suite 1400		City Chicago	State IL
Requester Telephone Number (e.g. business, home, cell) 312-744-6904		ZIP Code 60602	
Requester E-mail Address mort.ames@cityofchicago.org			
Please indicate the name and e-mail address <u>or</u> mailing address where the record(s) should be sent, if different from the requester above.			
Identify in <b>detail</b> the record(s)/document(s) that you are requesting: (Use additional pages if necessary.) All documents and records, including e-mails, discussing or relating to the process waste water spill incident on or about April 11, 2017 at the U.S. Steel Corporation - Midwest Plant in Portage, Porter County, Indiana (NPDES Permit #IN0000337). All documents and records, including e-mails, discussing or relating to the response and mitigation efforts subsequent to the April 11, 2017 spill incident described above. All documents and records containing compliance filings, Discharge Monitoring Reports and IDEM inspection reports of process waste water treatment and discharge at the U.S. Steel Corporation - Midwest Plant. All documents and records discussing or relating to the health or environmental impacts of process waste water discharges at the U.S. Steel Corporation - Midwest Plant. The City requests that documents and records be produced as they become available even if this results in several partial productions of records. The City's request seeks documents or records only to the extent that they are not currently available on the IDEM Virtual File Cabinet website.			

### Mail/Fax/E-mail/Drop off your public record request to:

IDEM Office of Records Management (ORM)  
Indiana Government Center North, Room 1207  
100 North Senate Avenue, MC 60-01  
Indianapolis, Indiana 46204

Telephone Number: (317) 232-8667  
Fax Number: (317) 233-6647  
E-mail Address: [IDEMFILEROOM@idem.IN.gov](mailto:IDEMFILEROOM@idem.IN.gov)

### Please Note:

The ORM will not charge any requester for copying and printing the first 100 black and white 8.5" x 11" paper pages or less produced within one (1) calendar year per requester, for e-mailing electronic records or for retrieving records from the Virtual File Cabinet (VFC). IDEM maintains the VFC, which is a searchable online repository for the vast majority of the Agency's public records. It is a free service and can be accessed at <http://vfc.idem.in.gov/>.

### Fees: